

REMARKS

Initially, Applicants note that the Examiner states:

A complete reply to this Office action must include a complete reply to the requirement for information. The time period for reply to the requirement coincides with the time period for reply to this Office action. (Requirement, page 2.)

For purposes of clarifying the record, Applicants did not receive an Office Action accompanying the Requirement for Information. Further, no other time period for reply to the Requirement is set forth. Accordingly, no meaningful time period for replying to the Requirement is given.

37 C.F.R. § 1.134 sets forth:

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

Pursuant to 37 C.F.R. § 1.134, because Applicants were not notified in writing that a reply is required in less than six months, Applicants assert that the time period for reply is six months. However, this reply is being filed within three months, which Applicants assume would have been the shortened statutory period if the Requirement had been issued along with an Office Action as stated by the Examiner. If necessary, Applicants hereby petition for an extension of time for responding to the requirement and authorize any required fees against deposit account 50-0553.

As to the substance of the requirement, the Examiner states:

In response to this requirement, please indicate if the application and U.S. Patent Application Publication 2004/0007771 were, at the time the

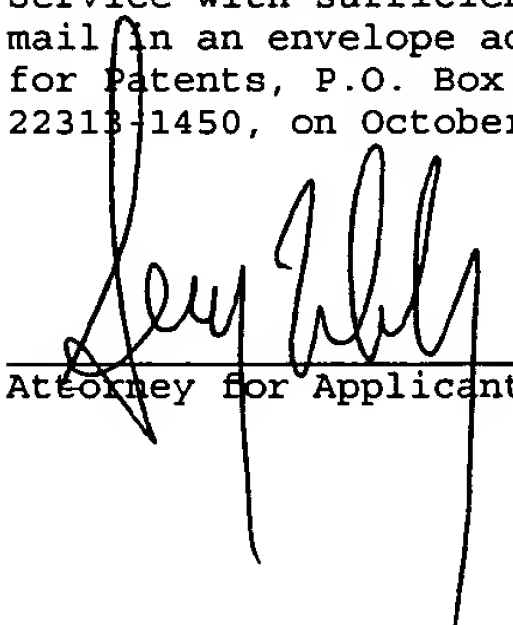
invention was made, owned by, or subject to an obligation of assignment to, the same person.
(Requirement, page 2)

In response to the requirement, Applicants indicate that the application and U.S. Patent Application Publication 2004/0007771 were, at the time the invention was made, **NOT** owned by, or subject to an obligation of assignment to, the same person. This response is made based upon information and belief. Applicants reserve the right to change this response in the event other information so justifies.

Claims 26-34 are pending in the application. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

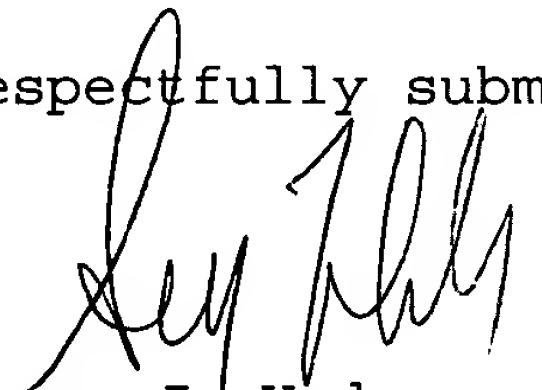
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 22, 2004.


Attorney for Applicant(s)

October 22, 2004
Date of Signature

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